

AD-23
Ct No.09
07.05.2024
TN

WPA No. 11957 of 2024

Satyajit Chakraborty and others
Vs.
The State of West Bengal and others

Mr. Mijanul Kabir

.... for the petitioners

Mr. Dipanjan Datta,
Ms. Ashmita Chakraborty

.... for the State

Mr. Anuran Samanta

.... for the ECI

1. Affidavit-of-service filed today be kept on record.
2. The present challenge has been preferred against the appointment of the petitioners as Presiding Officers in the ongoing Parliamentary elections.
3. Learned counsel for the petitioners submits that the Circular annexed at page-355 has been flouted. It is submitted that as per the same, Officers drawing pay in the scale of Rs. 8,000/- and above are not normally called to polling duty unless there is an acute shortage and even in the latter case, the senior officers are exempted.
4. Learned counsel for the Election Commission of India cites two unreported judgments of this court where it was held that the pay matrix of the person concerned cannot be a criterion for the administration to choose the post to which a person will be appointed. Even the gradation of a particular person in respect of his rank in

the job he holds, does not have a direct bearing on the deputation, which is on a temporary basis, for the purpose of conducting election. That apart, in the present case, the petitioners have been appointed as Presiding Officers which is not below the rank of other officials working in the field for conduct of elections.

5. As such, since the pay scale itself does not have a bearing, it cannot be said that the appointment was in contravention of any law.
6. Also, the Circular relied on by the petitioners was issued by the Chief Electoral Officer, West Bengal, under the aegis of the Government of West Bengal. However, the Parliamentary elections are conducted by the Election Commission of India and its agents. Thus, the said Circular does not have a direct bearing on the present elections.
7. Accordingly, there is no merit in the writ petition.
8. In the light of the above observations, WPA No. 11957 of 2024 is dismissed on contest, without any order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)